

REMARKS/ARGUMENTS

Claims 1-37 stand subject to a restriction requirement in the outstanding Official Action. Claim 1 has been amended and claims 1-37 therefore remain in this application.

The Examiner's indication of PTO acceptance of the previously filed formal drawings is very much appreciated. Additionally, the Examiner's acknowledgment of Applicants' claim for priority and receipt of the certified copy of the priority document is very much appreciated.

Applicants respectfully traverse the restriction requirement requiring Applicants to elect one of four species indicated as Figures 1, 3, 6 and 9. The Examiner's rationale in support of the election requirement is fatally flawed.

In section 2, page 2 of the Official Action, the Examiner states that "the claims are deemed to correspond to the species listed in the above manner: **Each embodiment has a different number of light sources** and other minor differences." (emphasis added). It would appear that the Examiner has not reviewed embodiments A, B and D because these three alleged different light sources disclose a single light emitting diode (LED) (although the specification indicates that more than one LED or other light source could be utilized). Thus, the Examiner's statement that "each embodiment has a different number of light sources" is a mis-statement and the species A, B and D all have the same number of light sources. Thus, the predicate to the Examiner's basis for restricting among various species is simply incorrect.

The Examiner's acknowledgment that claim 1 is generic is very much appreciated. However, the Examiner then states that each species generates different patterns of light which appear to be the crux of the invention. The crux of the invention, to use the Examiner's phrase, is a combination of elements which provides a projector for an array of distinct images of the

light source. This “structured light generator” can be provided in accordance with claim 1 in a number of different embodiments. However, the pattern of light provided is not the “crux of the invention,” but rather, the combination of elements utilized to provide the structured pattern of light is the invention.

Thus, the Examiner’s “crux of the invention” conclusion that the species listed above, i.e., species A, B, C, D, do not relate to a single general inventive concept under PCT Rule 13.1 is clearly in error and reconsideration of the restriction requirement is specifically requested.

As required by the Examiner, Applicants elect species A, with traverse, and indicates that claims 1-6, 8, 9, 11-16, 36 and 37 clearly read on species A.

The indication that claim 1 is generic is appreciated. Applicant has amended claim 1 to place the format more in accordance with US claim practices.

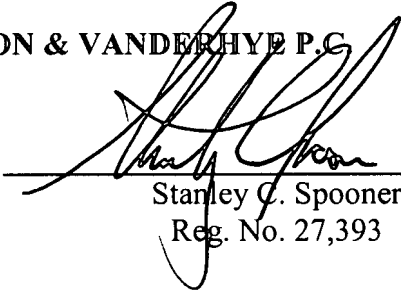
Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that generic claim 1 and dependent claims 2-37 are in condition for allowance and notice to that effect is respectfully requested. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants’ undersigned representative.

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Respectfully submitted,

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By: _____


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